

House Proposal of Amendment to Senate Proposal of Amendment

H. 771

An act relating to the Vermont National Guard

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

First: In Sec. 2, 20 V.S.A. § 363, by striking out subdivision (a)(3) in its entirety.

Second: In Sec. 2, 20 V.S.A. § 363, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read:

(d) ~~The appointments~~ Appointments made pursuant to subsection (b) of this section shall be in writing and recorded in the office of the secretary of state Office of the Secretary of State.

Third: By striking out Sec. 3, Effective Date, in its entirety and inserting in lieu thereof Secs. 3 through 9 to read:

Sec. 3. 20 V.S.A. § 370 is added to read:

§ 370. ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION BOARD

(a) The Adjutant and Inspector General Recommendation Board is created to nominate candidates for Adjutant and Inspector General.

(b)(1) The Board shall consist of 10 members who shall be selected as follows:

(A) The Senate Committee on Committees shall appoint four members of the Senate, not all of whom shall be members of the same party.

(B) The Speaker of the House shall appoint four members of the House, not all of whom shall be members of the same party.

(C) The Governor shall appoint two members who shall have served in the U.S. Armed Forces.

(2)(A) The members of the Board appointed by the Governor shall serve for terms of two years and may serve for no more than three terms.

(B) The members of the Board appointed by the House and Senate shall serve for terms of two years and may serve for no more than three consecutive terms.

(C) All appointments shall occur between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. Members shall serve until their successors are appointed.

(3) The members of the Board shall elect their own chair who shall

serve for a term of two years.

(c) Legislative members of the Board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the Board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as members of boards and commissions are compensated under 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

(d) A quorum of the Board shall consist of six members.

(e) The Board is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants.

Sec. 4. 20 V.S.A. § 371 is added to read:

§ 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND
INSPECTOR GENERAL

(a) A candidate for Adjutant and Inspector General shall, not later than four months prior to the election, declare his or her candidacy to the Board and demonstrate that he or she meets the qualifications set forth in subsection 363(a) of this chapter as required pursuant to procedures adopted by the Board.

(b) In the case of a vacancy in the office of Adjutant and Inspector General that occurs during a term, a candidate shall, not later than 14 days after the office of Adjutant and Inspector General becomes vacant, declare his or her candidacy to the Board and demonstrate that he or she meets the qualifications set forth in subsection 363(a) of this chapter as required pursuant to procedures adopted by the Board.

(c) The procedures necessary to carry out subsections (a) and (b) of this section may be adopted and revised at the discretion of the Board and shall not be subject to rulemaking under 3 V.S.A. §§ 836–844.

Sec. 5. 20 V.S.A. § 372 is added to read:

§ 372. DUTIES OF RECOMMENDATION BOARD

(a) Establishment of criteria, standards, and procedures. The Board shall adopt rules under 3 V.S.A. chapter 25 that establish criteria and standards for the evaluation and nomination of qualified candidates for Adjutant and Inspector General. In adopting criteria and standards, the Board shall consult with current and retired members of the Vermont Army National Guard and the Vermont Air National Guard. The criteria and standards adopted by the Board shall include:

(1) leadership;

- (2) integrity;
- (3) administrative and communication skills; and
- (4) other criteria and standards as determined by the Board from time to time.

(b) Interview and selection.

(1) The Board shall interview each candidate for Adjutant and Inspector General who meets the qualifications set forth in subsection 363(a) of this chapter.

(2) The Board may, as necessary to determine whether a candidate meets the criteria and standards adopted pursuant to subsection (a) of this section:

(A) review records kept or maintained by the State, the Vermont National Guard, or the U.S. Armed Forces; and

(B) conduct interviews with current and former members of the National Guard of any state or the U.S. Armed Forces.

(3) Based on the information gathered pursuant to subdivisions (1) and (2) of this subsection, the Board shall evaluate each candidate against the criteria and standards established pursuant to subsection (a) of this section and shall nominate for election to the office of Adjutant and Inspector General all qualified candidates which satisfy those criteria and standards.

(c) Nomination. The Board shall submit the list of its nominees for Adjutant and Inspector General to the General Assembly and to the Secretary of State at least seven weeks prior to the election of the Adjutant and Inspector General.

(d) Confidentiality of proceedings and records.

(1) Except as otherwise provided by subdivision (2) of this subsection:

(A) all proceedings of the Board shall be confidential and exempt from the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2; and

(B) all records of the Board, including the names of candidates and any information related to candidates, shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(2) The following shall be public:

(A) the Board's rules and operating procedures;

(B) the Board's application procedures and any application forms or other forms used by the Board, provided they do not contain information about a candidate or confidential proceedings;

(C) proceedings of the Board that are not directly related to the consideration of candidates;

(D) the names of the candidates submitted to the Secretary of State pursuant to 2 V.S.A. § 12; and

(E) once the Board has submitted the list of candidates to the Secretary of State, the total number of applicants interviewed by the Board and the total number of candidates submitted to the Secretary of State.

Sec. 6. 2 V.S.A. § 12 is amended to read:

§ 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

* * *

(b)(1) A candidate for office, other than for Adjutant and Inspector General, shall, not later than one week preceding the election, notify the Secretary of State in writing of his or her candidacy, naming the particular office. If he or she fails so to notify the Secretary of State, his or her name shall not be printed on the ballot.

(2) Not later than seven weeks prior to the election, the Adjutant and Inspector General Recommendation Board shall, pursuant to 20 V.S.A. § 372, submit the list of its nominees for Adjutant and Inspector General to the Secretary of State to be printed on the ballot prepared by the Secretary. The list shall constitute the complete list of candidates for Adjutant and Inspector General that are included on the ballot.

(3) No ballot may be used other than the official ballot provided by the Secretary of State.

Sec. 7. IMPLEMENTATION OF THE ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION BOARD

(a) The Senate Committee on Committees, the Speaker of the House, and the Governor shall appoint the members of the Adjutant and Inspector General Recommendation Board pursuant to 20 V.S.A. § 370 on or before March 15, 2019. Initially, the members of the Board shall be appointed for a term that expires when their successors are appointed pursuant to 20 V.S.A. § 370.

(b) On or before September 1, 2019, the Adjutant and Inspector General Recommendation Board shall propose for adoption rules that establish criteria and standards for the evaluation and nomination of qualified candidates for Adjutant and Inspector General.

Sec. 8. 2019 ELECTION OF ADJUTANT AND INSPECTOR GENERAL; CERTIFICATION OF QUALIFICATIONS

For purposes of the 2019 election, a candidate for Adjutant and Inspector

General shall, at the time he or she notifies the Secretary of State of his or her candidacy pursuant to 2 V.S.A. § 12(b), certify under oath to the Secretary that he or she satisfies the requirements set forth in 20 V.S.A. § 363(a)(2).

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 1, 2, and 8 shall take effect on July 1, 2018.

(b) The remaining sections of this act shall take effect on March 1, 2019.